

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

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UNITED STATES OF AMERICA) Magistrate's Case No. **'07 MJ 2270**
 VS.)
 Juan MARMOLEJO-Paulino) COMPLAINT FOR VIOLATION OF 20 SEP 20 AM 10:00
) 21 U.S.C. 952, 950 -
) Importation of a Controlled Substance.
) SOUTHERN DISTRICT COURT
) SOUTHERN DISTRICT OF CALIFORNIA
)
)
)
)

BY DEPUTY

The undersigned complainant being duly sworn states:

COUNT ONE

That on or about September 19, 2007, within the Southern District of California, defendant Juan MARMOLEJO-Paulino, did knowingly and intentionally import approximately 3.70 kilograms of cocaine, a Schedule 2 Controlled Substance, into the United States from a place outside thereof; in violation of Title 21, United States Code, Sections 952 and 960.

And the complainant states that this complaint is based on the attached Statement of Facts incorporated herein by reference.


 John Mizusawa, Special Agent U.S. Immigration and Customs Enforcement (ICE)

Sworn to before me and subscribed in my presence, this 20th day of September 2007.


 J. M. Heller
 United States Magistrate Judge

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PROBABLE CAUSE STATEMENT

I declare under penalty of perjury the following statement is true and correct.

On September 19, 2007 at approximately 5:24 AM., Juan MARMOLEJO-Paulino entered the United States from the Republic of Mexico at the Tecate, Port of Entry (POE), Tecate California in a 1995 Mercury Grand Marqui bearing U.S. California plates 5XTP864. During pre primary roving operations at lane 1, U.S. Customs and Border Protection (CBP) Officer D. Murray came in contact with the vehicle and the driver later identified as Juan MARMOLEJO-Paulino. CBP Officer Murray observed that MARMOLEJO was the sole occupant of the vehicle and that the license plate of the vehicle appeared new. CBP Officer B. Tablan assigned to primary booth lane 1 identified the driver of the vehicle utilizing the I-551 card. CBP Officer Murray requested that CBP Officer Tablan secondary the vehicle for further inspection.

In the secondary inspection area CBP Officer A. Crisostomo inquired MARMOLEJO the purpose of his trip to the United States, whereby MARMOLEJO responded that he was going to El Cajon, California to work and that he lives in Tecate, Mexico. CBP Officer Murray further inspected the vehicle and discovered what appeared to be a non-factory compartment between the glove compartment and the firewall. CBP Officer Murray requested CBP Officer ROHANA for assistance to examine the compartment. CBP Officer ROHANA noticed a non factory compartment behind the firewall. The non-factory compartment had rivets and spot welds covered with fresh paint. Thereafter, CBP Officer ROHANA notified CBP Officer Murray that the compartment was not a factory compartment.

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CBP Officer Murray requested the assistance of CBP Canine Enforcement Officer C. Gibbs and her Narcotics and Human Detector Dog (NHDD) Pepper CE-82. NHDD Pepper CE-82 alerted to the dash area of the vehicle. CBP Officer Rohana then probed the non-factory compartment with a screwdriver. Thereafter, CBP Officer Rohana retrieved his screwdriver from the non-factory compartment and observed a white powdery substance on the tip of the screwdriver. CBP Officer Rohana field tested the white powdery substance which tested positive for cocaine. A total of three packages wrapped in carbon paper were removed from the compartment which yielded an aggregate weight of 3.70 kilograms.

On September 19, 2007 at approximately 9:07 AM., U.S. Immigration and Customs Enforcement (ICE) Special Agent (SA) J. Mizusawa, ICE SA V. Estebanes, and ICE SA F. Maroki contacted MARMOLEJO, the driver of the vehicle in the detention cell at the Tecate POE, California. SA V. Estebanes advised MARMOLEJO of his constitutional rights per Miranda in the Spanish language reading directly from a preprinted card and witnessed by SA Mizusawa and SA Maroki. MARMOLEJO stated that he understood his rights and waived his Miranda rights. MARMOLEJO stated that he was being paid \$1,500.00 to drive the illegal drugs into the Tecate Port of Entry, California, United States from Tecate, Mexico. The Drug Trafficking Organization (DTO) informed MARMOLEJO that the vehicle concealed 1 kilogram of cocaine. ICE SA Estebanes ended the interview with MARMOLEJO to further the investigation and to transport MARMOLEJO to the San Ysidro, POE, California, United States.

At approximately 1:30 PM ICE SA Mizusawa and ICE SA Estebanes collected biographical information from MARMOLEJO at

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the San Ysidro POE, California, United States. At approximately 1402 hours ICE SA ESTEBANES advised MARMOLEJO of his constitutional rights per Miranda in the Spanish language for a second interview. MARMOLEJO stated that he understood his rights and waived his Miranda rights. MARMOLEJO reiterated that he was being paid \$1,500.00 and that as soon as he reached San Diego, California the DTO would contact him. When MARMOLEJO was asked what type of drug was concealed in his vehicle MARMOLEJO stated that he knew it was cocaine. When asked about the amount of cocaine concealed in the vehicle MARMOLEJO stated that the vehicle contained 1 kilogram of cocaine. According to MARMOLEJO he thought that the venture would be easy because MARMOLEJO required money to buy his diabetic mom medicine. According to MARMOLEJO he loaned his car to the DTO on Monday September 17, 2007 and re-acquired the vehicle from the DTO on Tuesday afternoon September 18, 2007.

MARMOLEJO was arrested and charged with violation of Title 21 United States Code, Sections 952 and 960. MARMOLEJO, who is a Permanent Resident Alien, was booked into the Metropolitan Correctional Center in San Diego, California. The cocaine and vehicle were seized by the U.S. Customs and Border Protection.

Executed on September 19, 2007 at 10:30 P.M.



ICE Special Agent John Mizusawa